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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



22469

PATENT TRADEMARK OFFICE

Art Unit : 1616
Examiner :
Serial No. : 10/085,695
Filed : February 28, 2002
Inventor : Rudolf Jenny
Title : PROCESS TO REMOVE
: ORGANIC IMPURITIES
: FROM BAYER PROCESS
: LIQUOR USING OZONE

Docket: 1015-02

Dated: October 8, 2002

RECEIVED

NOV 18 2002

OFFICE OF PETITIONS

PETITION UNDER 37 C.F.R. § 1.47(b)**BOX MISSING PARTS**

Commissioner for Patents
Washington, DC 20231

10/17/2002 HTECKLU1 00000003 10085695

02 FC:1254

1440.00 OP

03/03/2003 CML/CK. 00000019 133405 10085695
01 FC:1460 130.00 CH

This Petition is being filed concurrently with a response to the Notice to File Missing
Parts mailed on April 8, 2002.

The inventor in the above-referenced pending patent application refuses to execute the Declaration and Power of Attorney. Accordingly, this Petition is submitted pursuant to 37 C.F.R. § 1.47(b) to seek acceptance of the application without the inventor's signature. As explained in detail below, numerous attempts were made to obtain the inventor's signature and registered letters were sent to his address. However, after months of negotiation, the inventor refuses to sign. Enclosed herewith as part of this Petition are copies of the documents exchanged and postal cards indicating that the inventor received notice and documents concerning his duty to sign the Declaration and Power of Attorney, and execute an Assignment to his employer, Ozonia A.G.

PROOF OF PERTINENT FACTS

Ozonía A.G., the employer of the named inventor, Rudolf Jenny, at the time the invention was made, directed that a patent application be prepared based primarily on disclosure materials of Mr. Jenny. This application became the above-referenced application filed on February 28, 2002.

As shown in Exhibit A, Mr. Jenny reviewed and approved the final draft of the application on February 28, 2002, and the application was filed later that same day. The attorney who filed the application immediately thereafter requested a signed Declaration and Assignment. A Notice to File Missing Parts was received on April 12, 2002, and a reminder was sent on April 18, 2002.

As shown in Exhibit B, Mr. Jenny was again contacted by an e-mail dated June 14, 2002 and instructed to execute both a Declaration and Power of Attorney, as well as an Assignment to his former employer.

As shown in Exhibit C on June 17, 2002 a follow-up e-mail providing more specific instructions regarding execution was forwarded.

As shown in Exhibit D, on July 10, 2002 another reminder was sent to Mr. Jenny.

As shown in Exhibit E, On August 22, a letter was received from Mr. Jenny's current employer which confirms that Ozonia A.G. owns the present application and that Mr. Jenny challenges neither inventorship nor ownership. The letter, however, demands

payment for execution of the Declaration and Power of Attorney and Assignment documents.

As shown in Exhibit F, on September 11, 2002, a further request was made and a fresh set of documents for execution were forwarded to Mr. Jenny by both e-mail and Registered mail. A copy of the executed confirmation postcard showing the registered package was received is included.

As shown in Exhibit G, on September 13, 2002, receipt of the documents forwarded by on September 11 was confirmed by e-mail, and a refusal to execute them expressed.

PETITION FEE

Included herewith is a check in the amount of \$130.00 pursuant to 37 C.F.R. § 1.17(h).

INVENTOR'S LAST KNOWN ADDRESS

Mr. Rudolf Jenny
Stauffacherstrasse 130A
CH-3014 Bern
Switzerland

REMARKS

As set forth above, diligent and continuous efforts have been made requesting the inventor execute a Declaration and Power of Attorney for this application. To date, the inventor has refused to do so solely for reasons relating to compensation.

The attached documents set forth facts demonstrating the effort made to obtain the signature of the inventor and his refusal to sign. It is abundantly clear that the inventor was presented with these documents and after review, refused to sign unless additional remuneration is paid. It should be noted that the inventor was at all times in possession of a copy of the present application as filed and therefore understood the subject matter of the application. Finally, as evidenced by the correspondence, the undersigned attorney and a partner in his law firm, have firsthand knowledge of these facts.

It is respectfully submitted that all requirements of 37 C.F.R. § 1.47 have been met and it is respectfully requested that the Declaration and Power of Attorney and any future Declarations or correspondence be accepted without the inventors signature.

Early, positive action on this Petition is respectfully requested.

Respectfully submitted



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